

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

EBON BONNETTE, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

ROCHESTER GAS & ELECTRIC CO.,

Defendant.

CIVIL ACTION NO.: 6:07-cv-06635-MAT

**PLAINTIFFS' MOTION FOR
PRELIMINARY APPROVAL OF THE
SETTLEMENT AGREEMENT**

PLEASE TAKE NOTICE that Plaintiffs Ebon Bonnette, Khalid Boston, Donna Cox, M. Diane Dixon, Odessa Dixon, Robert Ellis, Michael Foster, Jerel Griffin, Mark Hale, Jean Howard, Bertha Johnson, Ellen Johnson, Stephanie Johnson, Johnny Kegler, Mary Lalor-Timmons, Marcia Lane, Robert Lane, Gail Marshall-Johnson, Thomas Moore, Delray Morgan, Delores Prad, Toney Proctor, Willie Sanders, Lolita Smith, Brett Stevenson, Everlene Thompson, Ophelia Tisdale, Richard Walford, Wanda Webb, Patricia White, Robert Williams and Bonnie Wright (the "Plaintiffs"), on behalf of themselves and all others similarly situated, through their undersigned counsel, respectfully move this Court to preliminarily approve the Parties' Settlement Agreement, certify a monetary-relief settlement class pursuant to Federal Rule of Civil Procedure 23(b)(3); appoint Class Counsel and a Claims Administrator; approve and direct distribution to the class of the Notice of Class Action Settlement and a Claim Form; and approve a schedule for the final approval process. The support for this Motion is set forth in Plaintiffs' accompanying Memorandum of Law, and accompanying proposed Order. Defendant Rochester Gas & Electric Co. ("RGE") has reviewed and does not oppose this Motion.

PLEASE TAKE FURTHER NOTICE that this Motion shall be returnable before the Honorable Michael A. Telesca, United States Judge, United States Courthouse, 100 State Street, Rochester, New York 14614, at a date and time to be set by the Court.

PLEASE TAKE FURTHER NOTICE that a hearing and oral argument is requested only if the Court deems it necessary.

Dated: January 24, 2008

GARWIN GERSTEIN & FISHER, LLP

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that on January 24, 2008, I electronically filed the foregoing Plaintiffs' Motion For Preliminary Approval Of The Settlement Agreement, and supporting papers, using the CM/ECF system, which sent notification of such filing to the following:

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/s/
Jan Bartelli